

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE LUIS JUNIOR CRUZ GUTIERREZ, on
behalf of himself, FLSA Collective Plaintiffs, and
the Class,

Plaintiffs,

-against-

ALBA CARTING & DEMOLITION INC d/b/a
COMPAC INDUSTRIES 2; d/b/a Tristate 2, and
ANDREW HORAN,

Defendants.

ANALISA TORRES, District Judge:

USDC SDNY
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23 Civ. 7138 (AT)

ORDER

On January 19, 2024, Plaintiffs filed their first amended complaint. ECF No. 25. Plaintiffs filing fails to comply with Federal Rule of Civil Procedure 15(a).

Rule 15(a) permits a party to amend its pleading (1) “21 days after [originally] serving it”; (2) “21 days after service of a responsive pleading . . . or motion under Rule 12(b), (e), or (f);” or (3) “with the opposing party’s written consent or the court’s leave.” As more than twenty-one days have passed since the filings of both Plaintiffs’ complaint and Defendants’ answer, ECF Nos. 1, 18, Plaintiffs shall seek Defendants’ consent to file its amended complaint or seek leave of court. Pursuant to the case management plan, any motion to amend shall be filed by **February 12, 2024**. ECF No. 24 ¶ 3.

SO ORDERED.

Dated: January 22, 2024
New York, New York



ANALISA TORRES
United States District Judge